UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
★ AUG 0 6 2012 ★
BROOKLYN OFFICE

In re: Holocaust Victim Assets Litigation

Docket No. CV 96-4849(ERK)(MDG)
(Consolidated with CV 96-5161
and CV 97-461)

Individual Docket No. CV 12-340 ✓

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STIPULATION OF SETTLEMENT

WHEREAS the above captioned proceedings relate to claims made against the settlement fund (the "Settlement Fund") established in In re Holocaust Victim Assets Litigation (No. 96-Civ.-4849 (ERK)); and

WHEREAS the Court (as defined below) issued the Rules Governing the Claims Resolution Process in the above-referenced proceeding (as amended from time to time), which Rules provide the framework for the Claims Resolution Tribunal (the "CRT") to adjudicate the claims of victims or targets of Nazi persecution or their heirs to deposited assets in Swiss banks arising from the settlement in the above-referenced action; and

WHEREAS beginning on August 3, 2001, and on various dates thereafter, Claim Numbers 224600/MC; 222470/MC; 222473/MC; 222474/MC; 222475/MC; 501790/MC in re Accounts of Paul Wittgenstein, Hermine Wittgenstein, Helene Salzer, and two entities (Wistag AG and Wistag Partnership) (the "Claims") were filed with the CRT; and

WHEREAS the Claims included the accounts of the Wittgenstein family, Wistag AG and Wistag Partnership in Switzerland established to protect the Wittgenstein family assets; and

WHEREAS on November 16, 2011, the CRT denied the Claims in their entirety (the "Initial Decision"); and

WHEREAS Claimants, represented by their attorney Stephen M. Harnik, Esq. (together "Appellants") timely appealed the Initial Decision under Rule 30 of the CRT Rules to U.S.

District Judge Edward Korman of the United States District Court for the Eastern District of New York (the "Court"); and

WHEREAS the Court has received extensive written submissions from the Appellants and the CRT with respect to the Appeal and has heard oral argument on the Appeal; and

WHEREAS on January 24, 2012 the Court directed the Clerk of the Court to open docket number CV 12-340 for these Claims; and

WHEREAS during the oral argument of the appeal, counsel for Appellants and lead counsel for the beneficiaries of the Settlement Fund ("Class Counsel") engaged in an off-the-record discussion about a possible agreed resolution of the issues presented in the Appeal; and

WHEREAS a resolution relating to an award as to the Claims has been reached, the terms of which are set forth below (the "Award"); and

WHEREAS Appellants have carefully considered the Award and have been advised by counsel doing so, and have determined that acceptance of the Award in full and final satisfaction of their Claims is in their best interest; and

WHEREAS Class Counsel and the Court have reviewed the Award and have determined that the Award is a just and fair resolution of the Appeal; and

NOW, THEREFORE, in light of the foregoing, for good and valuable consideration, the receipt and sufficiency of which is herewith acknowledged, the undersigned agree as follows, and the Court hereby enters the following Award in full and final resolution of the Appeal and the Claims:

1. Award. The Appellants shall receive an Award from the Settlement Fund of US$6,063,918.88 as per the attached Schedule, an amount equal to ten- to twenty-percent of the value of the claim if it was successful in its entirety.
2. Release. Upon Appellants' receipt of the Award, Appellants fully, finally and forever release, relinquish, waive, and discharge any and all claims they may have with respect to the Settlement Fund and the above-referenced action.

Dated:________________

[signature] 8/2/12

Stephen M. Harnik, Esq.
Counsel for Appellants

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Burt Neuborne
Counsel for the Lead Plaintiff

SO ORDERED: ________________

District Judge Edward Korman of the United States District Court for the Eastern District of New York (the "Court"); and

WHEREAS the Court has received extensive written submissions from the Appellants and the CRT with respect to the Appeal and has heard oral argument on the Appeal; and

WHEREAS on January 24, 2012 the Court directed the Clerk of the Court to open docket number CV 12-340 for these Claims; and

WHEREAS during the oral argument of the appeal, counsel for Appellants and lead counsel for the beneficiaries of the Settlement Fund ("Class Counsel") engaged in an off-the-record discussion about a possible agreed resolution of the issues presented in the Appeal; and

WHEREAS a resolution relating to an award as to the Claims has been reached, the terms of which are set forth below (the "Award"); and

WHEREAS Appellants have carefully considered the Award and have been advised by counsel doing so, and have determined that acceptance of the Award in full and final satisfaction of their Claims is in their best interest; and

WHEREAS Class Counsel and the Court have reviewed the Award and have determined that the Award is a just and fair resolution of the Appeal; and

NOW, THEREFORE, in light of the foregoing, for good and valuable consideration, the receipt and sufficiency of which is herewith acknowledged, the undersigned agree as follows, and the Court hereby enters the following Award in full and final resolution of the Appeal and the Claims:

1. Award. The Appellants shall receive an Award from the Settlement Fund of US$6,063,918.88 as per the attached Schedule, an amount equal to ten- to twenty-percent of the value of the claim if it was successful in its entirety.
2. Release. Upon Appellants' receipt of the Award, Appellants fully, finally and forever release, relinquish, waive, and discharge any and all claims they may have with respect to the Settlement Fund and the above-referenced action.

Dated: 8/3/12

8/2/12
Stephen M. Harnik, Esq.
Counsel for Appellants

Burt Neuborne
Counsel for the Lead Plaintiff

SO ORDERED: s/Edward R. Korman
Ce J. D J.